

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM R. PRATT,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-04-1070-F
	)	
MARTY SIRMONS, <sup>1</sup>	)	
	)	
Respondent.	)	

**ORDER**

This action seeks habeas relief under 28 U.S.C. § 2254. Petitioner appears pro se, and his pleadings are liberally construed.

Magistrate Judge Valerie K. Couch entered her Report and Recommendation in this matter on September 28, 2006, recommending that the petition be denied. (Doc. no. 38.) The Report and Recommendation also recommended that Petitioner's Motion of Abeyance (doc. no. 33) and Motion for Evidentiary Hearing (doc. no. 34) be denied. Petitioner has filed a timely objection to the Report, objecting generally and specifically to virtually all of the magistrate judge's recommended findings and conclusions.<sup>2</sup> (Doc. no. 42) Accordingly, the court reviews all issues de novo.

After careful study of petitioner's objections, the Report, the record, and the relevant legal authorities, the court finds and concludes that it concurs with the


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<sup>1</sup>In his objection to the Report and Recommendation, petitioner states that the old warden was Marty Sirmons and that the new warden is Steve Beck. The original defendant was warden Mike Mullen.

<sup>2</sup>Petitioner does not object to the magistrate judge's recommendation with respect to the issue of trial counsel's failure to inform the jury that not calling witnesses was a trial strategy. The magistrate judge concluded that the petitioner failed to demonstrate how trial counsel's performance was deficient and prejudicial with respect to this issue. (Report at p. 26.)

magistrate judge's determinations. The court further finds that no purpose would be served by repeating the magistrate judge's determinations or by presenting any additional analysis here. Accordingly, the September 28, 2006 Report and Recommendation of Magistrate Judge Valerie K. Couch is hereby **ACCEPTED**, **ADOPTED**, and **AFFIRMED** in its entirety. The Petition for a Writ of Habeas Corpus is **DENIED**. Petitioner's Motion of Abeyance (doc. no. 33) and Motion for Evidentiary Hearing (doc. no. 34) are also **DENIED**.

Dated this 26<sup>th</sup> day of October, 2006.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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